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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,361	02/18/2004	Adam Matthew Holms	04HOLM1	7416

7590 12/13/2005
Michael G. Petit
P. O. Box 91929
Santa Barbara, CA 93190-1929

EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,361

Applicant(s)

HOLMS, ADAM MATTHEW

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Franz (US 5,042,318).

Franz discloses an adjustable wrapping device comprising a flexible sheet of a compressible elastomer (Fig. 3, element 4) having a textured, non-slip surface (Fig. 3, element 6) and a smooth opposing surface, the smooth opposing surface being laminated to a sheet of a substantially non-extensible reinforcing fabric (Fig. 3, element 8) to form a laminated sheet; and fastening means (Fig. 5, elements 14 and 16) affixed to the laminated sheet, the fastening means being operable for releasably attaching opposing ends of the laminated sheet to form a cylinder. Regarding claim 5, note a strip of colored fabric affixed to at least one peripheral edge of the laminated sheet (Fig. 3, elements 10 and 12 and see col. 2, lines 60-61) and the strip of fabric inherently has a color and is therefore a colored fabric.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (US 5,042,318) in view of Matsumura et al. (US 5,055,340).

Regarding claims 2 and 3, Franz discloses an adjustable wrapping device comprising a flexible sheet of a compressible elastomer (Fig. 3, element 4) having a textured, non-slip surface (Fig. 3, element 6) and a smooth opposing surface, the smooth opposing surface being laminated to a sheet of a substantially non-extensible reinforcing fabric (Fig. 3, element 8) to form a laminated sheet; and fastening means (Fig. 5, elements 14 and 16) affixed to the laminated sheet, the fastening means being operable for releasably attaching opposing ends of the laminated sheet to form a cylinder. However, Franz fails to disclose a second sheet of a compressible elastomer having a smooth surface and an opposing textured surface wherein the smooth surface on the second sheet is affixed to the sheet of the reinforcing fabric. Matsumura et al. teaches that it is old and well-known in the art to have a wrapping device including a second sheet of a compressible elastomer having a smooth surface and an opposing textured surface wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric (see col. 3, lines 1-20) for the purpose of providing a gripping surface that does not get slippery by rain or the sweated hand of the user and that also has a moderate flexibility so as to provide its user with a pleasant touch feeling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the wrapping device of Franz with a second sheet of a compressible elastomer having a smooth surface and an opposing textured surface wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric as suggested by Matsumura et al. in order to form a gripping surface that does not get slippery by rain or the sweated hand of the user and that also has a moderate flexibility so as to provide its user with a pleasant touch feeling.

Regarding claims 6 and 7, note a strip of colored fabric in Franz is affixed to at least one peripheral edge of the laminated sheet (Fig. 3, elements 10 and 12 and see col. 2, lines 60-61) and the strip of fabric inherently has a color and is therefore a colored fabric.

5. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (US 5,042,318) in view of Gabbrielli (EP 1 216 807 A2).

Regarding claims 2 and 4, Franz discloses an adjustable wrapping device comprising a flexible sheet of a compressible elastomer (Fig. 3, element 4) having a textured, non-slip surface (Fig. 3, element 6) and a smooth opposing surface, the smooth opposing surface being laminated to a sheet of a substantially non-extensible reinforcing fabric (Fig. 3, element 8) to form a laminated sheet; and fastening means (Fig. 5, elements 14 and 16) affixed to the laminated sheet, the fastening means being operable for releasably attaching opposing ends of the laminated sheet to form a cylinder. However, Franz fails to disclose a second sheet of a compressible elastomer having a smooth surface and an opposing smooth surface wherein the smooth surface on the second sheet is affixed to the sheet of the reinforcing fabric. Gabbrielli teaches that it is old and well-known in the art to have a second sheet of a compressible elastomer having a smooth surface and an opposing smooth surface (Fig. 3, element 20) wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric (Fig. 3, element 1) for the purpose of providing a surface with anti-slip properties, protection against impacts and resistance to abrasion and tearing as well as impermeableness. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the wrapping device of Franz with a second sheet of a compressible elastomer having a smooth surface and an opposing smooth surface wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric as suggested by

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Gabbrielli in order to form a gripping surface with anti-slip properties, protection against impacts and resistance to abrasion and tearing as well as impermeableness.


Regarding claims 6 and 8, note a strip of colored fabric in Franz is affixed to at least one peripheral edge of the laminated sheet (Fig. 3, elements 10 and 12 and see col. 2, lines 60-61) and the strip of fabric inherently has a color and is therefore a colored fabric.

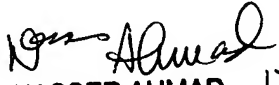
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine A. Simone
Examiner
Art Unit 1772
December 8, 2005


NASSER AHMAD
PRIMARY EXAMINER
Acting SPE
12/9/05